

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**LESTER DUVA MCDAUGHTERY,**

Plaintiff,

V.

**TIMMONS, et al.,**

Defendants.

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Civil No. **04-778-MJR**

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is plaintiff's motion for summary judgment and proposed compromise (**Doc. 9**), as well as his motion to compel the defendants to respond to the motion for summary judgment (**Doc. 10**).

Today, the case cleared the threshold review in accordance with 28 U.S.C. § 1915A, and the defendants have yet to be served. Federal Rule of Civil procedure 56(a) dictates that a plaintiff cannot move for summary judgment any earlier than 20 days after commencement of the action. Plaintiff's motions are premature.

**IT IS THEREFORE ORDERED** that plaintiff's motion for summary judgment (**Doc. 9**) and his motion to compel the defendants to respond to that motion (**Doc. 10**) are both **STRICKEN**.

**DATE: February 23, 2006**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**